

**California Secretary of State  
Proposed Regulatory Action: Ballot Counting  
Initial Statement of Reasons**

**PUBLIC HEARING AND COMMENT**

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact persons listed below no later than 12:00 AM, on **Wednesday, June 21, 2023**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the SOS, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact persons and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. If you have any questions, please contact the Office of Voting Systems Technology Assessment at: (916) 695-1680, or email at [votingsystems@sos.ca.gov](mailto:votingsystems@sos.ca.gov).

Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Persons in this Notice, must be received by the SOS at its office not later than **Wednesday, July 5, 2023**.

**Written Public Comment Period:** May 19, 2023, through July 5, 2023.

**Subject Matter of Proposed Regulations:** Ballot Counting

**Section(s) Affected:**

Amend: Sections 20980, 20981, 20982, 20983, and 20984 of Title 2, Division 7, Chapter 8.3, Article 8 of the California Code of Regulations.

Repeal: Sections 20985 of Title 2, Division 7, Chapter 8.3, Article 8 of the California Code of Regulations.

Add: Sections 20296, 20297, 20298, 20299, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20310, 20311, 20312, 20313, 20314, and 20315 of Title 2, Division 7, Chapter 4.6 and 4.7 of the California Code of Regulations.

Amend: Sections 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, and 20833 of Title 2, Division 7, Chapter 8.1, of the California Code of Regulations.

Repeal: Sections 20840, 20841, and 20842 of Title 2, Division 7, Chapter 8.1, of the California Code of Regulations.

## **PURPOSE AND NECESSITY**

The California Secretary of State is proposing changes and additions to the California Code of Regulations to provide requirements and clarity for counting ballots, specifically related to when ballots are manually counted. In proposing these changes and additions to the California Code of Regulations, the California Secretary of State is:

- (1) Making modifications to the current Uniform Vote Counting Standards and Recount regulations which includes renumbering and moving these regulations from Chapters 8.1 and 8.3 to newly created Chapters 4.5 and 4.8;
- (2) Adding new Chapter 4.6 for manual tallying generally and Chapter 4.7 for 1 percent manual tallying as required by Elections Code section 315360.

The proposed regulations provide California jurisdictions and California voters with clarity and uniform practices on how to count ballots when doing so manually. The proposed regulations provide necessary processes and requirements to ensure security, chain of custody, accuracy, fairness and accessibility in the process.

## **FACTUAL BASIS / RATIONALE**

The factual basis and rationale for each section of the proposed regulations are as follows:

California Code of Regulations (CCR) Title 2, Division 7, Chapter 8.3, Article 8. Uniform Vote Counting Standards is being renumbered as new Chapter 4.5. This is a non-substantive change intended to create better organization for regulations relating to vote counting.

### 20280. Purpose of This Article

Section 20980 is being renumbered to 20280 and the term “Article” is being changed to “Chapter”. These are non-substantive changes to create better organization for regulations relating to vote counting. The phrase “for each category of voting system certified and in use” in California is being removed to allow for voting systems that may be part of a pilot program, conditionally approved, or otherwise not covered as a system certified and in use.

### 20281. Definitions

Section 20981 is being renumbered to 20281 and the term “Article” is being changed to “Chapter”. These are non-substantive changes to create better organization for regulations relating to vote counting.

### 20282. General Vote Counting Standards

Section 20982 is being renumbered to 20282. This is a non-substantive change to create better organization for regulations relating to vote counting. “Voting system” is proposed to be deleted and replaced with “vote tabulation method” to allow for manual tally not just tabulation by voting system and “1 percent manual tally” is added as 1 percent manual tally involves tabulation. The term “for” is being removed as a grammatical change.

Subsection 20982(a) “and as required by law” is added and is a non-substantive change to provide clarity that the ballots must be segregated and counted as required by law.

Subsection 20982(c) replaces “his or her” with “their” to be gender neutral. In subsection (c)(1) “completed” is proposed to be deleted as voters sometimes use arrows to indicate choices but the term “completed arrow” is too restrictive and causes confusion in application. Elections Code section 15360 is added as a reference citation. This is a non-substantive change and is added as a reference for the inclusion of the 1 percent manual tally requirement.

#### 20283. Optical Scan Voting Systems

Section 20983 is being renumbered to 20283. This is a non-substantive change to create better organization for regulations relating to vote counting. Additionally, the term “Section” is being changed to lower case “section” for consistency with formatting and referencing throughout elections code and regulations and minor grammatical changes have been made. These are non-substantive changes.

#### 20984. Other Paper Systems

Section 20984 is being renumbered to 20284. This is a non-substantive change to create better organization for regulations relating to vote counting. Additionally, the term “voting” is being removed from the section title. This is to clarify that these regulations are applicable to all elections technology that utilize a paper ballot and not just a voting system.

#### 20985. Direct Recording Electronic (DRE) Voting Systems

Section 20985 is proposed to be deleted. Direct Record Electronic systems are no longer used in California; therefore, this section is no longer relevant or applicable in California.

CCR Title 2, Division 7, Chapter 4.6 sections 20296 through 20315 is proposed to be added.

#### 20296. Purpose of This Article

Section 20296 is proposed to be added. This section is not regulatory and just sets for the purpose of this article which is to provide standards and requirements for conducting a manual tally of votes cast by voters.

#### 20297. Definitions

Section 20297 is proposed to be added to define terms used in the proposed regulations related to the manual tally of votes cast.

Subsection 20297(a) is added to make clear the definition of “manual tally” is the process of counting the votes cast by voters by hand-to-eye, human interpretation of voter markings from

the corresponding ballot. This is necessary because there is not a definition in Elections Code or regulations defining “manual tally.”

Subsection 20297(b) is added to define a “counting board” as the group(s) of individuals appointed by the elections official, to participate in the conduct of the manual tally of votes. This is necessary to clearly define the individuals that would conduct the manual tallying of votes.

Subsection 202974(c) is added to define a “cumulating board” as the group(s) of county election employees appointed by the elections official to compile the total results from the counting boards for each contest. This is necessary to ensure that the compiling is done with well-trained individuals and is done accurately.

Subsection 20297(d) is added to define “hash mark” which is necessary to provide clarity on the type of marks to be used when hand tallying.

Subsection 20297(e) sets for the definition of “qualified political party.” This is non-substantive as the term is already defined in Division 5 of the Elections Code.

## 20298. General Provisions

Section 20298 is proposed to be added to establish the general provisions to conduct a manual tally, including the methods to be used, consideration of locations large enough to accommodate the necessary staffing and observers, and maintaining chain of custody and the security of ballots during the conduct of a manual tally.

Subdivision 20298(a) sets forth that an elections official may conduct a manual tally of the ballots voted in an election of either a full manual tally, a manual tally recount, which counts a specified number of contests on the ballot, or a 1 percent manual tally as required by Elections Code section 15360. This is necessary to outline the authorization to conduct a manual tally by an elections official and the methods that may be used.

Subdivision 20298(b) outlines the factors the elections official shall consider when evaluating the location needs to conduct the manual tally. This is necessary to ensure there is adequate space to accommodate the staffing needed for the manual tally, observers, all pertinent materials, and security and chain of custody of the ballots. Subsection 20298(b) also outlines the specific requirements that an elections official must follow when conducting a manual tally, such as when vote-by-mail ballots may be processed and the timeline of when the manual tally can be conducted. These are necessary to ensure clear processes and procedures for conducting manual tally and complying with state law for the counting of ballots and compiling of results.

Subdivisions 20298(c) and 20298(d) specify the regulations that apply in conducting a 1 percent manual tally or a recount. This is necessary to differentiate the processes and procedures for each type of manual tally.

Subdivision 20298(e) requires the chain of custody of the ballots to be maintained at all times. This is necessary to maintain the security of the ballots, prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots, and to maintain the secrecy of the ballots.

## 20299. Manual Tally Plan

Section 20299 is proposed to be added to establish the requirement of any elections official that is to conduct a manual tally of all their ballots to submit a manual tally plan to the Secretary of State for their approval or rejection. The California Government Code 12172.5 authorizes the Secretary of State to request reports or plans to ensure that elections are efficiently conducted and that state and federal election laws are enforced. A manual tally plan by the elections official is necessary to ensure that the counting is conducted in accordance with state and federal law and is done efficiently, accurately, securely, fairly, and are accessible.

Subdivisions 20299(a) and 20299(b) outline the timeline for approval or rejection of the manual tally plan. This section is necessary to provide the elections official with clear requirements regarding the timeline for submission and approval or rejection of the manual tally plan. The 120-day submission deadline prior to the election was selected to give the elections official sufficient time to develop the manual tally plan but not be so close to the election that it would jeopardize the conduct of the election. The 90-day review period deadline was determined to provide the Secretary of State sufficient time to thoroughly review the submitted manual tally plan to ensure it covers all required information, has sufficient details, and complies with state and federal election laws. The 90-day deadline also provides the elections official with an approval or rejection notice with sufficient time ahead of the election.

Subdivision 20299(c) sets forth the reasons for rejecting a manual tally plan which is if it is missing information specifically required, lacks sufficient detail, does not comply with State or Federal law, or is insufficient to ensure that the jurisdiction will be able to comply with State or Federal law. This is necessary to give clear situations for which a plan will be rejected all of which are circumstances where the Secretary of State is not provided sufficient information that the manual tally will be conducted efficiently, and that state and federal election laws are complied with.

Subdivision 20299(d) outlines the timeline in which an elections official may update and resubmit their manual tally plan to the Secretary of State upon receiving an initial rejection and the timeframe in which the Secretary of State may review the updated manual tally plan and issue a final approval or rejection. The 10-calendar day timeframe is necessary to provide the elections official with a second chance to amend their manual tally plan to comply with state and federal election law and resubmit to the Secretary of State for approval or rejection. The 10-calendar day limit was determined to be sufficient time for resubmittal and review and still provide enough lead time prior to the election for implementation of the manual tally plan.

Subdivision 20299(e)(1) requires that if the manual tally plan is approved, it must be posted at the office of the elections official, the location(s) where the manual tally takes place, and on the elections official's website, if available. This is necessary to provide transparency in the process as to what will occur to voters and the public at large on how and when the manual tally will occur.

Subdivision 20299(e)(2) requires the elections official to provide status updates to the Secretary of State on the implementation at regular intervals including at a minimum of 15 calendar day

intervals from the date of approval through election day and weekly from election day through the certified statement of the results pursuant to Elections Code section 15375. This is necessary to ensure that the jurisdiction is on track with implementation and that the conduct of the election is not at risk. The 15 calendar day intervals from the date of approval and through election day was determined to be reasonable timing to give the elections official time to work and make progress in implementing their approved plan. Following election day and through the certified statement of votes, weekly status reports were determined to be necessary due to the short time period to certify results and the slow nature of hand counting to ensure that state and federal laws will be able to be met. If sufficient progress in implementation has not been made and it appears to the Secretary of State that the jurisdiction's compliance with state and federal laws is at risk, the Secretary of State's approval may be revoked, and the jurisdiction may be required to use a voting system certified by the Secretary of State for purposes of tabulating and reporting election results. The revocation is permissive rather than mandatory because it is possible that the reason for lack of progress can be quickly remediated with things such as adding more counting boards, increasing hours of operation, increasing supervisors, adding training, or modifying processes.

Subdivision 20299(e)(3) requires the elections official to certify at least 15 days before the election that the jurisdiction has successfully obtained the resources identified in its manual tally plan. If such certification is not provided, the Secretary of State's approval of the plan may be revoked, and the jurisdiction may be required to implement their contingency plan and use a voting system certified by the Secretary of State for purposes of tabulating and reporting election results. This is necessary to establish that the elections official has acquired the necessary resources to successfully conduct the manual tally to comply with state and federal law as set forth in their approved plan. Without the identified resources being obtained, the jurisdiction cannot meet the requirements set forth in their approved plan and cannot comply with state and federal laws therefore it is necessary for the jurisdiction to use a voting system certified by the Secretary of State to tabulate and report election results.

Subdivision 20299(f) outlines the requirements of what information shall be included in the manual tally plan. The requirements are necessary to ensure that the election is efficiently conducted, and that state and federal laws are complied with.

Subdivision 20299(f)(1) requires the elections official to include a detailed description of the jurisdiction's plan to educate and inform their voters of the new change to the county's tabulation method. This is necessary to ensure that voters understand that the system is changing and that results will take longer so that voters have confidence in the electoral process.

Subdivision 20299(f)(2) requires the elections official to include a detailed description of how the county will conduct a manual tally in order to meet the deadlines set forth in these regulations. In the event that the elections official cannot meet the deadlines or requirements for conducting a manual tally, they shall also prepare a backup plan. This is necessary to ensure that the elections official has properly prepared and planned how they will conduct their manual tally to meet reporting deadlines and what to do as a contingency if an issue arises.

Subdivision 20299(f)(3) requires the elections official to provide a detailed description of the time frame in which the manual tally will be conducted, including hours of operation and shifts for the counting board members as well as the estimated workload completed each day. This is necessary for resource and time management planning to ensure that the elections official can meet the reporting deadlines set forth in these regulations and state law.

Subdivision 20299(f)(4) requires the elections official to provide a detailed description of how the counting boards, supervisors, cumulating board and any other staff will be trained and organized to conduct the tally. Training of all involved in the process of hand counting is essential to ensure that it is done accurately, securely and efficiently. The elections official, depending on the size of the jurisdiction and the length of the ballot could have hundreds or thousands of individuals that are used for the counting boards, supervisors, cumulating board and other staff, so it is necessary to have a detailed plan of how they will be trained and organized to conduct the manual tally.

Subdivision 20299(f)(5) requires the elections official to provide the total number of counting boards and others that will be required to complete the manual tally accurately, timely, and securely, which includes sufficient back-up staff to account for unknowns or uncertainties, which includes but is not limited to unexpected high voter turnout, failure for counting board members to report for counting, and slowness in counting board performance. This is necessary to determine if the elections official has sufficient numbers of counting boards, supervisors, cumulating boards, and other staff to meet the requirements of these regulations as well as state and federal law.

Subdivision 20299(f)(6) requires the elections official to provide detailed description of the process to check in, check out, and monitor the members of the counting boards and any other staff during the manual tally. The elections official, depending on the size of the jurisdiction and the length of the ballot could have hundreds or thousands of individuals that are used for the counting boards, supervisors, cumulating board and other staff, so it is necessary to have a detailed plan of how they will be checked in, checked out and monitored to maintain security, integrity and order of the operations. The elections official shall provide a detailed description regarding the restriction of cell phones, cameras or audio or video recording devices in the location where the manual tally is conducted shall be restricted in a manner that will not interfere with the conduct of the manual tally, compromise the anonymity of any ballot, or record the signature of any voter. This is necessary to protect the secrecy of ballots and the privacy of voter signatures as well as to ensure the conduct of the counting is efficient and is not impeded.

Subdivision 20299(f)(7) requires the elections official to provide a detailed description of the physical location(s) where the manual tally will be conducted which includes the physical security measures implemented by the elections official. This is necessary to ensure that the elections official has appropriate plans to keep the location safe and secure, ensure chain of custody procedures are implemented and that the site is large enough to accommodate the teams of counting boards and other elections staff needed to conduct the manual tally as well as observers. Further, this is necessary to ensure that the location of the manual tally is secure

against bad actors who seek to tamper with or undermine the integrity of the jurisdiction's elections.

Subdivision 20299(f)(8) requires the elections official to provide a detailed description of the process for preparing ballots for counting which includes the processes for serializing the ballots, capturing the ballot images and sorting them into batches. The serialization of the ballots is necessary to maintain the security of the ballots, prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots, and by capturing the ballot images, the elections official is securing a visual image for comparison, if need, should the integrity of a ballot be questioned during the manual tally process.

Subdivision 20299(f)(9) requires a detailed description regarding the chain of custody of ballots, manual tally forms and cumulating board forms. This is necessary to maintain the security and integrity of the manual tally.

Subdivision 20299(f)(10) requires a detailed description of how the manual tally will work in conjunction with the use of the voting system. This is necessary as ballot set up, the use of accessible voting devices and tabulation are supported by a certified voting system and have Use Procedures approved and certified by the Secretary of State. It is necessary for the manual tally plan to take into consideration and document how the manual tally process will successfully integrate with those components.

Subdivision 20299(f)(11) requires the elections official to provide a detailed description of how the manual tally results will be verified and audited using a certified voting system tabulator. Currently, the Elections Code contemplates a 1 percent manual tally when votes are tabulated using a voting machine. The Elections Code is silent on how to audit a manual tally. Because manual tallies are historically inaccurate, running all ballots through a certified tabulator is necessary to validate the results. Please see the below articles which provide relevant information regarding the inefficiencies of manual counting and potential issues. This is an essential step in the process of counting ballots and therefore having a detailed description of how the elections official will conduct the audit is necessary.

- Learning from Recounts-Election Law Journal; Rules, Politics and Policy
  - <https://dspace.mit.edu/bitstream/handle/1721.1/134277/elj.2017.0440.pdf?sequence=2&isAllowed=y>
- Confirming Elections, New Hampshire 2012
  - <https://andrewreeves.org/papers/recounts.pdf>
- YouTube Video Titled: Error Rate in Nye County Nevada Initial Count
  - <https://www.youtube.com/watch?v=s31UJNs4nmQ>

Subdivision 20299(f)(12) requires a detailed description of how the elections official will distribute, monitor, collect, and secure the manual forms. This is necessary to maintain the integrity, accuracy and security of the manual tally.

Subdivision 20299(f)(13) requires a detailed description of how the elections official will set rules regarding the items the counting board may bring to the manual tally, including writing



instruments, and personal items such as food and beverages, backpacks, purses, bags, cell phones, cameras or audio or video recording devices. This is necessary to maintain the integrity of the manual tally process, ensure security of the ballots, maintain the privacy of ballots and the results, aid in physical security, and ensure ballots are not soiled or rendered unreadable from food or beverages.

Subdivision 20299(f)(14) requires a detailed description of observer access to the manual tally process. Public and interested party access to observe the manual tally process is essential to the conduct of the manual counting of ballots. It is necessary for the elections official to provide details of how they will provide observer access to ensure that they have sufficient space and clear processes to inform observers of what they can and cannot do during the observation process, and to make certain that during the process, the security of ballots is protected and voters' right to a secret ballot is not compromised.

Subdivision 20299(f)(15) requires a detailed description of how the elections official will record, document, and resolve issues and discrepancies during the manual tally process. This is necessary to ensure that the elections official has sufficient processes in place to document and address any discrepancies and have a path forward to continue the process in compliance with state and federal law.

#### 20300. Counting Boards

Section 20300 is proposed to be added to establish the use of counting boards for manual tallying of ballots. This is necessary because the manual tally cannot be conducted without the physical staff to count the ballots.

Subsection 20300(a) states that the elections official shall appoint individuals to a counting board for the purpose of conducting a full manual tally of ballots cast. The appointment of these counting boards is required by Elections Code section 15102.

Subsection 20300(b) requires that each counting board shall consist of at least four individuals that are bipartisan, if feasible, and that the elections official shall establish enough counting boards to cover each contest on the ballot. The number of required individuals is established in statute by Elections Code section 15102. The specification of having a bipartisan counting board, if feasible, is to ensure that the ballots are being counted fairly and properly, and one political party is not being favored over another.

Subsection 20300(c) states that the appointment of members to the counting boards shall comply with the same requirements as the appointment of a precinct board member in the Elections Code. Under the Elections Code section 15207, "the elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards and are subject to all laws governing precinct boards where ballots are counted at the polling place." Additionally, Elections Code section 15290 states, "Each counting board shall proceed to count and tally the ballots by precincts, separately, under the direction of the elections official or authorized deputies, in the same manner as provided where ballots are counted at the polling place pursuant to Article 5 (commencing with

Section 15270).” Clearly the Elections Code contemplates that all individuals appointed to handle and count the ballots shall be held to the same standards.

Subsection 20300(d) describes the roles of each member of the counting board, when conducting the manual tally consistent with the established roles in statute under Elections Code section 15102. It is necessary to include Subsection 20300(d) to ensure that the overall process and procedures for manual tallying ballots at a central location(s) are set forth in these regulations.

Subsection 20300 (e) requires that the counting board members sign a declaration. Precinct boards are required to complete this declaration pursuant to Elections Code section 12321. Elections Code section 15207 states that counting boards shall be deemed to be precinct boards. Subsection 20300(e) is necessary to clarify that a declaration is required by a counting board and is necessary to be consistent with state law.

### 20301. Manual Tally Forms

Section 20301 is proposed to be added to establish the requirements of the manual tally forms prescribed by the elections official which is necessary to ensure uniformity in manual tallies.

Subsection 20301(a) states that the elections official shall prescribe and provide the forms for the manual tally. Elections Code section 15102 states that the elections official “shall provide for the forms of the tally books” used when conducting a hand count of vote by mail ballots. Subsection 20301(a) is necessary to clarify that the forms used for conducting a full manual tally is required and necessary to be consistent with state law. Additionally, as the chief elections official, the Secretary of State has the authority under Government Code section 12172.5 to request reports from elections officials regarding the conduct of their elections to ensure uniform application and compliance of state election law.

Subsection 20301(a)(1) states that the title of the election and date in which the election is to be conducted shall be included on the manual tally form prescribed by the elections official. The inclusion of the election title and date is necessary because it identifies the election being manually tallied and assists the elections officials with keeping track of each set of manual tally forms if multiple elections are conducted on the same day. It is also a good standard and current practice to include the elections title and date in any elections related document for chain of custody, election reporting and post-election audit purposes.

Subsection 20301(a)(2) states that the name of the jurisdiction conducting the election and manual tally of votes shall be included on the manual tally form. The inclusion of the name of the jurisdiction is necessary because it identifies the jurisdiction that is conducting the manual tally and is a good standard and current practice to include the name of the jurisdiction conducting the election in any election related document for chain of custody, election reporting and post-election audit purposes.

Subsection 20301(a)(3) states that the precinct and serialized ballot numbers shall be recorded on the manual tally form. It is necessary to include the assigned precinct number and serialized ballot numbers on the manual tally forms to keep track of which forms belong with which set of

ballots. This is a good standard for managing chain of custody for ballots and election related documents and post-election audits.

Subsection 20301(a)(4) states that for a presidential primary election, the manual tally form must distinguish between qualified political party ballots and nonpartisan ballots and each type of ballot must be tallied separately. It is necessary to include this information in the manual tally forms during a presidential primary election, because there are six qualified political party ballot styles in addition to No Party Preference ballots. The elections officials will need to sort the ballots by party and precinct for election result reporting purposes and will need to keep track of the associated manual tally forms which the assigned batch of ballots for counting.

Subsection 20301(a)(5) states that the name of each candidate, including any qualified write-in candidates, being voted for and the specific office for which each candidate is being voted shall be included on the manual tally form and they shall be included in the same order as on the ballot. The inclusion of the names of the candidates, including qualified write in and the offices they are running for on the manual tally form is necessary as it allows for the proper tracking of each vote as the manual tally is being conducted. The talliers simply mark the space designated for the candidate on the form when counting the votes.

Subsection 20301(a)(6) states that that a list of each measure being voted upon in the same order as the ballot type being tallied shall be included on the manual tally forms. This provision is also included in state law, under Elections Code section 15277. The inclusion of each measure being voted for on the manual tally form is necessary as it allows for the proper tracking of each vote as the manual tally is conducted. The talliers simply mark the space designated for the measure on the form when counting the votes.

Subsection 20301(a)(7) states that sufficient space to permit the tallying of no more than 25 ballots per stack, including the full vote cast for each candidate and for and against each measure, per assigned stack of ballots shall be included on the manual tally form. This provision is also included in state law, under Elections Code section 15277. The requirement of having sufficient space for the tallying of votes is necessary because it allows for the proper tracking of each vote as the manual tally is being conducted. The talliers will also be able to record the votes in the same area which makes it easier for reporting and post-election auditing. Subsection 20301(a)(7) is necessary to clarify that the forms used for conducting a full manual tally must meet specific requirements and is necessary to be consistent with state law.

Subsection 20301(a)(8) states that sufficient space to permit the tallying of no more than 25 ballots per stack, including all undervotes and overvotes cast for each candidate and for and against each measure shall be included on the manual tally form. The requirement of having sufficient space for the tallying of overvotes and undervotes for each candidate and measure is necessary because it allows the talliers to record the votes in the same area, ensures accurate ballot accounting, and makes for easier reporting and post-election auditing.

Subsection 20301(a)(9) states that a certificate of performance is to be filled in upon completion of the each assigned ballot stack, which includes space for the printed and signed names of each counting board member, their designated role, and the date and time signed. Precinct boards are

required to complete this certificate pursuant to Elections Code section 15280. Elections Code section 15207 states that counting boards shall be deemed to be precinct boards. Subsection 20301(a)(9) is necessary to clarify that a certificate of performance is required by a counting board and is necessary to be consistent with state law.

Subsection 20301(a)(10) states that a designated space for the manual tally cumulating board to sign and acknowledge receipt of ballot stacks and manual tally forms, which includes space for the printed and signed names of each cumulating board member, and the date and time signed shall be included on the manual tally forms. The inclusion of this designated space for cumulating boards to sign and confirm receipt of ballot stacks for reporting is necessary for maintaining the chain of custody of the ballots and manual tally forms.

Subsection 20301(a)(11) states that a watermark provided by the elections official shall be provided on the manual tally form and shall change daily for security purposes. The inclusion of this watermark on the manual tally forms is a necessary security measure to ensure the authenticity of the forms being used during the manual tally. Requiring the tint of the watermark to change daily is necessary for security to protect against bad actors trying to infiltrate the manual tally and swap out the manual tally forms.

#### 20302. Other Responsibilities

Subsections 20302(a) and 20302(b) are proposed to be added to establish that the elections official shall appoint supervisors in sufficient number to properly supervise the counting boards to be able to monitor the counting boards to ensure that they count correctly, track progress, answer questions, address disputes, and ensure all procedures are being adhered to. It was determined that at least one supervisor for every four counting boards was necessary to provide sufficient oversight. Four counting boards would be approximately 16 people to supervise which was deemed to be a reasonable ratio and would allow the supervisor to keep everyone within the supervisor's realm of vision. Greater numbers would not allow the supervisor to provide sufficient oversight and could lead to problems and procedures not being adhered to. In addition, this section proposes at least one supervisor be appointed to supervise the public observers. A supervisor to oversee the public observation is necessary to ensure that the public is able to observe the manual tally and that observers do not distract or interfere with the conduct of the manual tally.

Subsection 20302(c) is proposed to be added to establish that the elections official shall appoint a manual tally cumulating board, as outlined in subsection 20304 of these regulations. The cumulating board is necessary to compile all manual tally forms being manually tallied by the counting boards, otherwise, the total votes for each contest on the ballot will not be known.

#### 20303. Conducting a Manual Tally

Section 20303 is proposed to be added to provide clarification and procedures on how to conduct a manual tally at the central counting location.

Subsection 20303(a) is proposed to establish that prior to beginning the manual tally the elections official shall sequentially serialize each ballot, electronically capture the ballot images,

sort each ballot by precinct (if the ballots are for a presidential primary election, sort the ballots further by qualified political party and nonpartisan ballots), and divide the ballots into separate stacks of not more than 25 ballots per stack to be read and tallied separately as well as being secured and clearly labeled. The serialization of the ballots is necessary to maintain the security of the ballots, prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots, and by capturing the ballot images, the elections official is securing a visual image for comparison, if needed, should the integrity of a ballot be questioned during the manual tally process.

Subsection 20303(b) is proposed to provide the authority for the elections official to process all ballots through a tabulator certified pursuant to section 19202 of the Elections Code prior to beginning the manual tally if they choose. This is necessary to clarify that the elections official may, as part of their procedures, process all ballots through a tabulator.

Subsection 20303(c) establishes that at all times, no fewer than two members of the counting board is required to maintain chain of custody of ballots during the manual tally. This is necessary to maintain the security of the ballots and prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots.

Subsection 20303(d) establishes that all times while handling the ballots or participating in the manual tally, all individuals are required to wear medical style exam gloves provided by the elections official. If at any time, the gloves provided become torn, soiled or otherwise unusable, the elections official shall issue a new pair to the counting board member. Additionally, any time a member of the counting board requires a break, upon return the elections official shall issue a new pair of gloves. Wearing gloves when handling the ballots is necessary to prevent ballots from being marked or smudged intentionally or unintentionally while being handled. It is feasible that a person, wanting to change the outcome of an election, could place graphite under their nail and mark the ballots as they are being handled. Wearing medical gloves minimizes that risk. Likewise, if they are torn, soiled or otherwise unusable, it is necessary to replace them to maintain the security and authenticity of the ballots.

Subsection 20303(e) is proposed to limit tally keepers as the only members of the counting board to utilize the writing device provided by the elections official. Limiting the use of writing devices to those that need them for tallying is necessary to prevent ballots from being marked intentionally or unintentionally while being handled. It is feasible that a person wanting to change the outcome of an election could mark the ballots without being detected as they are being handled if they have access to a writing device.

Subsection 20303(f) is proposed to establish that each counting board is to be at a single table, with not less than 10 feet from the edge of the table to the edge of any other table containing a counting board. This is necessary to reduce the risk of overhearing the other counting boards counting the ballots, which prevents confusion and mistakes.

Subsection 20303(g) clarifies that the ballot shall be tallied one contest at a time, unless a different method or process is authorized by the elections official. This is consistent with the

manual tally at a precinct provisions in existence in the Elections Code and is necessary to ensure that each contest is tallied accurately.

Subsection 20303(h) clarifies that undervotes and overvotes for all contests must be tallied. This is necessary to ensure complete ballot accounting.

Subsection 20303(i) sets forth that the manual tally of the ballots shall be tallied separately by each tally keeper of the counting board for each contest on the ballot that is manually tallied. The results of each tally keepers form for each contest must match exactly. If the results do not match, the counting must be conducted again until the results match. This is necessary to ensure accurate tallying of the votes cast.

Subsection 20303(j) establishes that the counting board supervisors provide the writing devices, manual tally forms, and one stack of ballots to each counting board at a time. This is necessary to maintain the security of the ballots and tally forms and prevent ballots and tally forms from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots and the forms.

Subsection 20303(k) establishes that the counting board verifies that the precinct and serialization information provided on the manual tally form are the same as what is contained in the stack provided by the counting board supervisor prior to counting. This is necessary to ensure complete ballot accounting.

Subsection 20303(l) establishes the process for reading of the ballots including securing them after being counted. This is necessary to ensure complete ballot accounting and accuracy of the tally.

Subsection 20303(m) (1-3) establish that the tally keepers are to record the votes on the manual tally form and the process for keeping the tabulation either through hashmarks or placing a slash through a numbered tally box. It also establishes that once the counting board has tallied one contest, the tally keepers must verify that the total number of votes for each candidate or ballot measure match, prior to moving onto the next contest. This is necessary to ensure complete ballot accounting and accuracy of the tally.

Subsection 20303(m)(4) establishes that if a tally keeper makes a mistake the counting stops, the supervisor is notified, the supervisor documents the error(s) on the voided forms and provides new forms for the counting board to start the manual tally over. All manual tally forms, including voided forms, shall be kept together with the stack of ballots. This is necessary to ensure complete ballot accounting, document the process, maintain chain of custody and ensure the accuracy of the tally.

Subsection 20303(m)(5) clarifies that if the tally matches for the contest, then the counting board may proceed to counting the next contest. This is necessary to clarify the next steps for the counting board.

Subsection 20303(m)(6) establishes that if the tally does not match for the contest the supervisor is notified, new forms are provided, and they start over. If after the second count they do not

match, the supervisor is notified and joins the counting board for the third tally. If the third attempt does not match, the elections official must have a process in place to resolve the discrepancy. All of the forms are clearly marked and kept with the stack of ballots. This is necessary to ensure complete ballot accounting, document the process, maintain chain of custody and ensure the accuracy of the tally.

Subsection 20303(n) establishes that when all contests on the ballots have been tallied and all results verified, the counting board draws lines through the empty spaces on the manual tally form, completes the certificate of performance section, secures all ballots, manual tally forms, and writing devices, and returns them to the counting board supervisor. This is necessary to ensure complete ballot accounting, document the process, maintain chain of custody and ensure the accuracy of the tally.

Subsection 20303(o) specifies that the distribution of ballot stacks and tallying shall continue until all ballots are manually counted. This is necessary to clarify the next steps for the process of counting the ballots.

#### 20304. Manual Tally Cumulating Board

Section 20304 is proposed to be added to establish a manual tally cumulating board and the procedures the cumulating board must follow. Once the manual tally forms are completed, it is necessary to compile all of the results being manually tallied by the counting boards, otherwise, the total votes for each contest on the ballot will not be known.

Subsection 20304(a) establishes that the Manual Tally Cumulating Board is to be appointed by the elections official and made up of county elections employees which is necessary to ensure that the compiling is done with well-trained individuals and is done accurately.

Subsection 20304(b) sets forth how the manual tally cumulating board shall compile the results: by hand or using a mechanical, electromechanical, or electronic system and its software or any combination of these. Subsection 20304(b) is necessary to make it clear that those are the two options for tabulating the results.

Subsection 20304(c) establishes that the stacks of ballots and manual tally forms shall be provided to the manual tally cumulating board by the supervisor. This is necessary to clarify the next step in the process and to ensure the chain of custody is maintained.

Subsection 20304(d) sets forth that the manual tally cumulating board shall maintain a cumulative total for each contest being counted. This is the sole role of the cumulating board and is necessary so that the total votes for each contest on the ballot will be known.

Subsection 20304(e) requires the elections official to report the results of the manual tally cumulating board in compliance with sections 20306 of these regulations. Reporting of results is required by Elections Code, and this makes clear that the results that are reported are the results compiled by the cumulating board and not the individual counting boards.

Subsection 20304(f) requires that the cumulative board sign the designated space on each manual tally form once the results have been compiled and recorded and that the manual tally forms shall

then be secured by the elections official. This is necessary to document the process and ensure security and chain of custody of the manual tally forms.

#### 20305. Auditing the Manual Tally

Section 20305 requires the elections official to verify and audit the manual tally using a certified voting system tabulator. Currently, the Elections Code contemplates a 1 percent manual tally when votes are tabulated using a voting machine. The Elections Code is silent on how to audit a manual tally. Because manual tallies are historically inaccurate, running all ballots through a certified tabulator is necessary to validate the results. Please see the below articles which provide relevant information regarding the inefficiencies of manual counting and potential issues. This is an essential step in the process of counting ballots and therefore having a detailed description of how the elections official will conduct the audit is necessary.

- Learning from Recounts-Election Law Journal; Rules, Politics and Policy
  - <https://dspace.mit.edu/bitstream/handle/1721.1/134277/elj.2017.0440.pdf?sequence=2&isAllowed=y>
- Confirming Elections, New Hampshire 2012
  - <https://andrewreeves.org/papers/recounts.pdf>
- Error Rate in Nye County Nevada Initial Count
  - <https://www.youtube.com/watch?v=s31UJNs4nmQ>

This proposed section establishes that the audit shall be performed prior to the certification of the official canvass of the vote which is consistent with the timing for the 1 percent manual tally and is necessary to do prior to certifying the results as final. If there is an error or a problem with the counting, that needs to be identified before the results are final. This section also requires that any discrepancies between the machine count and the manual tally be clearly documented and reported, which is necessary for the jurisdiction to be able to resolve or explain the discrepancies as part of the certification of the results to establish the final results.

#### 20306. Reporting Elections Results by Manual Tally

Section 20306 is proposed to establish how and when an elections official will report results of the manual tally.

Subsection 20306(a) specifies the manual tally results reporting requirements in California Elections Code. This is non-substantive as it specifies existing statutory requirements. This is necessary because the reporting of results and the deadlines by which the results must be reported for all elections in California, including results of a manual tally must adhere to the deadlines set forth in Elections Code.

Subsection 20306(b) specifies the data entry testing and verification process for election night reporting. Testing and verification is necessary to ensure the elections official is ready and able to report results on election night and any subsequent reporting updates through the end of canvass as required by law.



Subsection 20306(c) specifies the required information to be provided by the elections official during the semifinal official canvass. This is necessary to make certain the elections official reports all statutorily required information, including specific information dependent upon the type of election.

Subsection 20306(d) specifies the commencement of the official canvass, after an election, and when the elections official shall report results for state and statewide elections. This is necessary to make certain the elections official begins reporting results for state and statewide elections in accordance with California Elections Code.

Subsection 20306(e) specifies how often an elections official submits results to the Secretary of State, during the official canvass period, when conducting a manual tally. This is necessary to make certain the elections official reports updated results as required by law.

Subsection 20306(f) specifies the requirement that an elections official conducting a manual tally submit the statement of vote of their cumulative result totals, by manual data entry. This is necessary to make certain the elections official submits the statement of vote, as required by law.

Subsection 20306(g) specifies the requirements and how an elections official conducting a manual tally, submit the results of the supplement to the statement of the vote, through manual data entry. This is necessary to ensure the elections official conducting a manual tally knows to submit the supplement to the statement of the vote, when conducting a manual tally.

#### 20307. Observing the Manual Tally

Section 20307 is proposed to be added to establish that the process of conducting a full manual tally is open to the public for observation. Pursuant to Elections Code section 2300(a)(9), voters “have the right to ask questions about the election procedures and observe the election process.” The current statute does not provide clear guidance on how observations are to be conducted both from a voter and elections official standpoint. However, there is currently drafted regulations under review with the Office of Administrative Law on Election Observations Rights and Responsibilities. Section 20307 has been proposed to outline guidance for observation of a manual tally, that would align with the currently proposed regulations if they were adopted as well as comply with state law.

Subsection 20307(a) states that when conducting a manual tally pursuant to paragraph (1) of subsection (a) of section 20298, any person may observe the manual tally proceedings, subject to space limitations of the manual tally location selected by the elections official pursuant to section 20299. Under state law, all voters have the right to observe election proceedings as long as their observations do not interfere with the conduct of the election. Section 20307(a) is necessary clarify that the specific observation rights and responsibilities when conducting a full manual tally and is necessary to comply with state law.

Subsection 20307(b) states that the elections official may require any observer of the manual tally proceedings to log in and receive an identification badge before entering the manual tally location. If required, identification badges shall be worn at all times. Subsection 20307(b) is in alignment with the currently drafted Election Observer Rights and Responsibilities regulations

and is necessary because it provides the elections officials with the power keep track of all persons who have access to the facility in which the manual tally is conducted for security reasons. By making observers wear an identification badge, elections official will be able to clearly identify individuals who are authorized to enter certain area, handle ballots, and participate in the conduct of the manual tally, versus individuals who are only present to observer.

Subsection 20307(c) states that observers shall not interfere in any way with the conduct of the manual tally, touch any ballots, tally sheets or other manual tally materials, sit at the official manual tally worktables, place any material on the official manual tally worktables, talk to members of the manual tally boards or supervisors while they are processing ballots or other manual tally materials or assist in manual tally procedures. Subsection 20307(c) is in alignment with the currently drafted Election Observer Rights and Responsibilities regulations and is also in alignment with Elections Code section 15104, in which no observer shall interfere with the processing or counting of ballots, including the touching or handling of ballots. Subsection 20307(c) is necessary to clarify that an election observer shall not interfere in any way with the conduct of the manual tally and is necessary to be consistent with state law.

Subsection 20307(d) states that the elections official may deny entry to the manual tally location to any person who fails to comply with the requirements of this section. Subsection 20307(d) is in alignment with the currently drafted Election Observer Rights and Responsibilities regulations and is in alignment with current regulations under Title 2, Division 7, Chapter 8.1, Section 20820, which we are proposing a renumbering in this regulation packet. In the current section 20820(f), the elections official has the authority to deny individuals access from observing a recount if they fail to comply with the rules for observing a recount. Subsection 20307(d) is necessary to clarify than an elections official has the authority to remove or deny access to any individual who is not complying with the rules of observing a manual tally and is necessary to be consistent with the state law and ensure that the tally is conducted efficiently without disruptions.

Subsection 20307(e) states that the elections official shall clearly describe in the Manual Tally Plan a policy for providing reasonable access to the manual tally location for the media and observers, which includes the use of cameras or audio or video recording devices in the manual tally location in a manner that will not interfere, compromise the anonymity of any ballot, or record the signature of any voter. Subsection 203.7(e) also states that no interviews shall be permitted in the manual tally location while the manual tally is being conducted. Subsection 20307(e) is in alignment with the currently drafted Election Observer Rights and Responsibilities regulations and is in alignment with current regulations under Title 2, Division 7, Chapter 8.1, Section 20821, which we are proposing a renumbering in this regulation packet. In the current section 20821, the elections official is responsible for providing clear guidance on how they will provide reasonable access to the recount location for observation and and use of media, but under no circumstance should the security of the recount locations or secrecy of the ballots be violated. Subsection 20307(e) is necessary to clarify than an elections official has the authority to specify a policy for the use of media devices while observing a manual tally and is necessary to be consistent with the state law and ensure that the tally is conducted efficiently without disruptions.

CCR Title 2, Division 7, Chapter 4.7 sections 20310 through 20315 is proposed to be added.

#### 20310. General Provisions

Section 20310 is proposed to be added to set forth the purpose of the regulations and the applicable statutory requirements. This section is necessary to make clear the general principles and requirements for one percent manual tallies.

#### 20311. Definitions

Section 20311 is proposed to provide definitions for the terms used throughout the proposed regulations. This section is necessary to define terms used in these regulations.

Subdivision 20311(a) defines the term “ballot.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what is deemed a ballot for the purposes of this chapter.

Subdivision 20311(b) defines the term “election management system.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what is deemed an election management system for the purposes of this chapter.

Subdivision 20311(c) defines the term “elections official.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify who is an elections official for the purposes of this chapter.

Subdivision 20311(d) defines the term “one-part manual tally.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what a one-part manual tally is for the purposes of this chapter.

Subdivision 20311(e) defines the term “one percent manual tally.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what is deemed a one percent manual tally for the purposes of this chapter.

Subdivision 20311(f) defines the term “public notice.” The definition is the same as provided in Elections Code. This definition is necessary to clarify what is deemed a public notice for the purposes of this chapter and the methods by which a public notice can be communicated to the public.

Subdivision 20311(g) defines the term “two-part manual tally.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what is deemed a two-part manual tally for the purposes of this chapter.

Subdivision 20311(h) defines the term “voting system.” The definition is the same as provided in Elections Code and is non-substantive. This definition is necessary to clarify what is deemed a Voting system for the purposes of this chapter.

#### 20312. Public Notice and Observation

Subsection 20312(a) provides that the elections official is to provide notice to the public for certain activities performed during the one percent manual tally. While the required notice contained in the Elections Code, the inclusion of those notices in the proposed regulations are necessary for clarity to the observers and the elections officials. In addition, this provision requires that the notices include the specific dates and times of the applicable activity, so observers are fully informed as to when those activities are to take place.

Subsection 20312(b) provides the opportunity for an observer to ask questions during the conduct of the one percent manual tally, provided the observer does not interfere with the conduct of the one percent manual tally. This is necessary to establish what an observer can do during the conduct of the manual tally.

#### 20313. Selection of Ballots to Tally

Section 20313 is proposed to be added to make clear how the ballots are to be selected for the one percent manual tally. This is necessary to ensure that election officials are complying with the Election Code requirements and to have uniform procedures for ballot selection across all 58 counties.

Subdivision 20313(a) establishes that the elections official selects precincts and batches of vote by mail ballots for the one percent manual tally independent of both the voting system and the election management system. This is necessary to establish independence between the voting system and the election management system as the entire purpose of the one percent manual tally is to verify the results of that system.

Subdivision 20313(b) sets forth the allowable methods to randomly select precincts and batches of vote by mail ballots for the one percent manual tally. The two allowable methods are to use labeled objects representing precincts and draw them at random from a hopper or creating a numbered list of precincts and batches and uses a random number generator to select the precincts or batches at random. This is necessary to ensure the precincts or batches are truly selected through a randomized method. The methods selected are methods that are independent from the voting system and are accepted as best practices in the election industry.

Subdivision 20313(c) establishes that an elections official can select additional precincts, batches, or contest(s) beyond the one percent manual tally, however, if they do, it must be done after randomly identifying ballots to tally for the one percent manual tally. This is necessary to give the elections official authority to review additional ballots, above and beyond the one percent, but to also make clear that their selection cannot be in lieu of the randomized selection to maintain and meet the requirements for the one percent manual tally.

## 20314. Chain of Custody

Section 20314 is proposed to make clear that the chain of custody of the ballots must be maintained at all times during the one percent manual tally. This is necessary to maintain the security of the ballots and prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots.

Subdivision 20314(a) is proposed to be added to specify that the elections official shall maintain and document at all times the chain of custody for each ballot included in the one percent manual tally, keep ballots securely, and maintain the chain of custody at all times during the one percent manual tally. This is necessary to maintain the security of the ballots and prevent ballots from being lost, changed or modified through mis- or malfeasance of those who will be handling the ballots. Documenting the chain of custody is necessary to ensure that the elections official can verify that the chain of custody has been maintained.

Subdivision 20314(b) is proposed to be added to establish that the chain of custody logs be available for public inspection after the canvass of the election pursuant to Division 15, Chapters 2 through 4, of the Elections Code is complete.

Subdivision 20314(c) is proposed to be added to specify that elections officials shall secure and maintain in sealed ballot containers all tabulated ballots. This is necessary to make clear that as part of the chain of custody, the elections officials must keep the tabulated ballots in sealed containers. Using sealed containers is industry best practice in elections.

Subdivision 20314(d) is proposed to require elections officials to establish written procedures to ensure the security, confidentiality, and integrity of any ballot cards, cast vote records, or any other data collected, stored, or otherwise used. Each county set up and processes are different based upon their physical location, staffing, etc., so it is necessary that the elections officials have written procedures in place to ensure that they have procedures in place that are specific to their location, system, staffing, etc.

## 20315. Reporting of Results

Section 20315 is proposed to be added to establish reporting process for elections officials to report the results of the one percent manual tally with the official canvass of the vote, to the Secretary of State for statewide contests, or to the County Board of Supervisors for local contests. Elections Code section 15360(f) states that the results of the one percent manually tally shall be reported in the certification of the official canvass, but it does not specify how those results are to be reported. Section 20315 is necessary to ensure uniform compliance with one percent manual tally result reporting and to comply with state law.

Subsection 20315(a) states that the elections official conducting a one percent manual tally shall report the results in the certification of the official canvass of the vote specified by Section 15372 of the Elections Code. For elections involving statewide contests, this would be the Secretary of State. For elections involving local contests, this would be the governing board such as the County Board of Supervisors. Elections Code section 15360(f) states that the results of the one

percent manually tally shall be reported in the certification of the official canvass, but it does not specify how those results are to be reported. Section 20315(a) is necessary to ensure uniform compliance with one percent manual tally result reporting and to comply with state law.

Subsection 20315(b) states that the report shall contain the following items that are listed in subsection 20315(b)(1) through subsection 20315(b)(15). Subsection 20315(b) is necessary to establish clear reporting requirements for the one percent manual tally to ensure uniform compliance across the 58 California counties and to comply with state law.

Subsection 20315(b)(1) states that the one percent manual tally report shall include the manual tally method used; one-part manual tally or two-part manual tally. A one-part manual tally is the count of precinct ballots and vote by mail ballots, versus a two-part manual tally is the count of precinct ballots separate from vote by mail ballots. It is necessary to include in the report what method was used because it tells reviewing staff what type of ballots were counted in the one percent manual tally.

Subsection 20315(b)(2) states that the date and time the public notice required by Section 20312 was provided, and a copy of the notice shall be included in the report of results of the manual tally. Elections Code section 15360(e) states that the one percent manual tally shall be conducted in a manner to which the public can observe and requires that elections official to issue a five-day notice of the time and place in which the one percent manual tally will be conducted. Subsection 20315(b)(2) is necessary to ensure compliance with state law.

Subsection 20315(b)(3) states that a link to the internet website where additional information about the one percent manual tally is posted, if applicable, shall be included in the one percent report. The one percent manual tally is a public process as prescribed by Elections Code section 15360(e). Therefore, it is a good standard for elections officials to provide additional information regarding the one percent manual process for voter education.

Subsections 20315(b)(4) and 20315(b)(5) state that the date and time the one percent manual tally commenced, beginning with the random selection required by Section 20313, and concludes shall be included in the one percent manual tally report. It is necessary to include the date and time in which the one percent manual tally was started and ended in the report for the purpose of maintaining accurate records and chain of custody of election documents.

Subsection 20315(b)(6) states that the estimated number of members of the public who observed the process shall be included in the report of the one percent manual tally. Since the one percent manual tally process is a public process pursuant to Elections Code section 15360(e), the recording of the estimated number of members of the public present for the one percent manual tally is necessary as a metric of measurement on civil engagement in the elections process.

Subsection 20315(b)(7) states that the total number of ballots counted in the election, which shall be the confirmed official canvass numbers, shall be included in the one percent manual tally report. Furthermore, the total number of ballots counted shall be reported by type. It is necessary to include the total number of ballots counted in the election, by type and confirmed by the official canvass for verification of reporting accuracy.

Subsection 20315(b)(8) states that the total number of ballots manually tallied, broken down by type, shall be included in the one percent manual tally report. It is necessary to include the total number of ballots counted, by type, in the one percent manual tally, for verification of reporting accuracy. By including the total number of ballots manually tallied, it can be verified that one percent of the total ballots cast have been audited to comply with state law.

Subsection 20315(b)(9) states that the total number of precincts and batches of vote by mail ballots in the election, and a list describing each and the number of ballots in each, indicating whether ballots are polling place, vote center, vote by mail, or provisional. It is necessary to include the total number of precincts and batches of voter by mail ballots, including the number of ballots in each precinct or batch and how they were cast in the election, as a baseline and comparison for verification of reporting accuracy.

Subsection 20315(b)(10) states that the total number of precincts and batches of vote by mail ballots selected for the one percent manual tally shall be included in the one percent manual tally report. It is necessary to include the total number of precincts and batches of vote by mail ballots selected for the one percent manual tally, for comparison of the official results and verification of reporting accuracy.

Subsection 20315(b)(11) states that the method used to choose precincts and batches of vote by mail ballots to include in the tally shall be included in the one percent manual tally report. The report shall specify which random selection method under section 20313 was used to select precinct and batches and, if any other discretionary precincts or batches were included in the one percent manual tally, the reason those additional precincts or batches were selected. It is necessary to include the method of selection in the one percent manual tally report for verification of reporting accuracy and for public disclosure of information.

Subsection 20315(b)(12) states that a description of any discrepancies noted, including details about each discrepancy and how it was resolved shall be included on the one percent manual tally report. Elections Code section 15360(f) requires that the one percent manual tally report identify all discrepancies and their resolutions. Therefore, subsection 20315(b)(11) is necessary to ensure uniform compliance with one percent manual tally result reporting and to comply with state law.

Subsection 20315(b)(13) states that any notes on anything unusual or problematic, or that would be useful to improve the process, or that might be of value to the Secretary of State or other elections officials shall be included in the one percent manual tally report. As the chief elections official of the state, the Secretary of State's office is always working with local election officials to identify ways to improve the elections process while complying with state law. By including the option for elections officials to provide additional feedback or information in the one percent manual tally report the Secretary of State is including public feedback into the elections process on how to improve the required reporting forms to get the most efficient data.

Subsection 20315(b)(14) states that a certification from the elections official that the one percent manual tally was conducted in accordance with Elections Code section 15360, subdivision (f),

and this Chapter be included in the one percent manual tally report. Precinct boards are required to complete a certificate pursuant to Elections Code section 15280. Elections Code sections 15372-15375 require the elections officials to submit a certified statement of the results of the election and submit it to the governing body and the Secretary of State. Subsection 20315(b)(14) is necessary to clarify that a certificate of results is required by the elections official when conducting a one percent manual tally and is necessary to be consistent with state law. Subsection 20315(b)(15) states that the name and signature of the elections official submitting the report and the date submitted shall be included in the one percent manual tally report. This is necessary to document the process and ensure security and chain of custody of the one percent manual tally report.

Subsection 20315(c) states that the Secretary of State shall publish any report under this section received from an elections official on its website no later than ten business days after the date it publishes the certification of the official canvass of the vote in accordance with Section 15372 of the Elections Code. This subdivision shall not prohibit the elections official from publishing the same report on its website. Subsection 20315(c) is necessary for the transparency of the elections process and providing the public with information regarding the one percent manual tally process.

CCR Title 2, Division 7, Chapter 8.1, Articles 1-3, sections 20810 through 20842, Recounts is being renumbered as new Chapter 4.8, sections 20350 through 20373. This is a non-substantive change intended to create better organization for regulations relating to vote counting.

#### 20350. Purpose

Section 20810 is being renumbered to 20350. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20810(a) is being renumbered to subsection 20350(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20810(b) is being renumbered to subsection 20350(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20351. Definitions.

Section 20811 is being renumbered to 20351. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(a) is being renumbered to subsection 20351(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20351(b) is proposed to be added to define the term batches. It is necessary to add in a definition for batches to encompass both traditional polling place counties and Voter's Choice Act counties and the different methods they use for processing of ballots. In a traditional polling place county, one location is usually assigned to one precinct, therefore the ballots tabulated



from that voting location would contain one precinct. In Voter's Choice Act counties, there can be multiple precinct ballots turned in or voted at one location. By adding in a definition for batches, the regulations cover both scenarios.

Subsection 20811(b) is being renumbered to subsection 20351(c). This is a non-substantive change to create better organization for regulations relating to vote counting. The term "body" is being changed to "board" for the purpose of consistence; the phrase governing board is used in Elections Code.

Subsection 20811(c) is being renumbered to subsection 20351(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(d) is being renumbered to subsection 20351(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20351(f) is proposed to be added to provide further clarity on the outcome of an election for either a candidate or the final results of a measure, based on the certified results of the election.

Subsection 20811(e) is being renumbered to subsection 20351(g). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(f) is being renumbered to subsection 20351(h). This is a non-substantive change to create better organization for regulations relating to vote counting. The term "vote by mail" is being altered in this section to "vote-by-mail" to comply with how the term is presented in elections code and the proposed regulations. This is a non-substantive change. Additionally, the proposed changes of removing voting system redundant vote data, ballot definition files, the central database or other electronic repository of results for the election in which the contest subject to recount occurred, election data media devices, audit logs, system logs, surveillance video recordings, security seals and access to election-related storage areas, are proposed. Modern voting systems have become much more complex as technology has evolved. As such, each of the items proposed for removal from the relevant material definition meets the criteria of sensitive, and/or proprietary, and/or pose security threats to voting technology infrastructure.

Subsection 20811(g) is being renumbered to subsection 20351(i). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(h) is being renumbered to subsection 20351(j). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(i) is being renumbered to subsection 20351(k). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(j) is being renumbered to subsection 20351(l). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(k) is being renumbered to subsection 20351(m). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20811(l) is proposed to be deleted. Direct Record Electronic systems are no longer used in California, therefore deleting this section is necessary as this section is no longer relevant or applicable in California.

Subsection 20811(m) is being renumbered to subsection 20351(n). This is a non-substantive change to create better organization for regulations relating to vote counting.

20352. Who May Request Recount.

Section 20812 is being renumbered to 20352. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20812(a) is being renumbered to subsection 20352(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20812(b) is being renumbered to subsection 20352(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20812(c) is being renumbered to subsection 20352(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

20353. Material To Be Examined; Relevant Material.

Section 20813 is being renumbered to 20353. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20813(a) being renumbered to subsection 20353(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20813(b) is being renumbered to subsection 20353(b). This is a non-substantive change to create better organization for regulations relating to vote counting. Subsection 20353(b) is proposed to be amended to remove the term “any” and simplify that “relevant material” as defined in this chapter shall be produced by the elections official.

Subsection 20813(c) is being renumbered to subsection 20353(c). This is a non-substantive change to create better organization for regulations relating to vote counting. Subsection 20353(c) is proposed to be amended to align with the modified definition of “relevant material” and the relevant materials an elections official may allow the examination of or photocopying, photography, and videotaping of those relevant materials.

Subsection 20813(d) is being renumbered to subsection 20353(d). Subsection 20353(d) is proposed to be amended to update the reference section from 20816(a) to 20356(a) to reflect the proposed renumbering in these regulations. This is a non-substrative change to create better organization for regulations relating to vote counting.

Subsection 20813(e) is being renumbered to subsection 20353(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

## 20354. Order of Recount

Section 20814 is being renumbered to 20354. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsections 20814(a), 20814(b), and 20814(c) are being renumbered to 20354(a), 20354(b), and 20354(c), respectively. This is a non-substantive change to create better organization for regulations relating to vote counting. Additionally, the verbiage “or batch(es)” is being added to each subsection to encompass both traditional polling place counties and Voter’s Choice Act counties and the different methods they use for processing of ballots. In a traditional polling place county, one location is usually assigned to one precinct, therefore the ballots tabulated from that voting location would contain one precinct. In Voter’s Choice Act counties, there can be multiple precinct ballots turned in or voted at one location. By adding in the terminology “or batch(es)”, the regulations cover both scenarios.

Subsection 20354(d) is proposed to be added to provide clarification that the requestors cannot request to inspect additional relevant materials upon the completion of the recount. During the recount process, the requestor can ask to see any relevant material. This is necessary to state so that there is a clear deadline in which materials can be reviewed.

## 20355. Cost of Recount

Section 20815 is being renumbered to 20355. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(a) is being renumbered to 20355(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(b) is being renumbered to 20355(b). This is a non-substantive change to create better organization for regulations relating to vote counting. Additionally, Subsection 20355(b) is proposed to be amended include the specification that the requestor can appoint a designee to submit payment on their behalf for the cost of the recall at a time and established by the election officials pursuant to state law. These changes are aiming for more consistency across the 58 counties in how recounts are conducted, by allowing the requestor or designee to pay the fees. The inclusion of the specified timeframe is also important for making sure that the timeline of the recount stays in compliance with state law.

Subsection 20815(c) is being renumbered to 20355(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(d) is proposed to be removed due to the fact it is a restating of the same information in subsection 20815(b) (which is proposed for renumbering as subsection 20355(b)). Even with the proposed amendments to subsection 20355(b) above, this information is still repeated, therefore this section is not necessary. This is a non-substantive change.

Subsection 20815(e) is being renumbered to subsection 20355(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(f) is being renumbered to subsection 20355(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(g) is being renumbered to subsection 20355(f). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(h) is being renumbered to subsection 20355(g). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20815(i) is being renumbered to subsection 20355(h). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20356. Location of Recount

Section 20816 is being renumbered to 20356. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20816(a) is being renumbered to subsection 20356(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20816(b) is being renumbered to subsection 20356(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20357. Security

Section 20817 is being renumbered to 20357. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20817(a) is being renumbered to 20357(a). This is a non-substantive change to create better organization for regulations relating to vote counting. Additionally, subsection 20357(a) is proposed to be amended to require the elections official to develop security measures for recounts, prior to each statewide election, to ensure the integrity of the recount proceedings. This section is also amended to remove language that requires the written notice to the Secretary of State regarding the designation of a security plan, pursuant to a condition of approval of a voting system. Security of voting systems is a collaborative effort for both voting system vendors and elections officials. The security measures written by the elections official should be complimentary to the vendor provided and Secretary of State approved security measures.

Subsection 20817(b) is being renumbered to 20357(b) and changing the text “20816” to “20356” to reflect the renumbering of the sections in these regulations. Additionally, the changing of the text (f) to (g) is also reflecting the renumbering of the sections in these regulations. These are non-substantive changes to create better organization for regulations relating to vote counting. Lastly, Subsection 20357(b) is proposed to be amended to remove the terms “voter verified

paper audit trail paper copies”. The language “voter verified paper audit trail paper copies” refers to the functions of Direct Record Electronic systems that are no longer used in California, therefore removing this language from this section is necessary as it is no longer relevant or applicable in California. Lastly, the addition of the language “as established by the elections official” is offering clarity that the elections official has the authority to establish the timeframe in which the requestor and all observers can examine relevant materials during the conduct of the recount. This amendment and subsection are necessary to provide further clarity regarding the elections officials role and authority of overseeing the recount procedures and ensuring public participation while maintaining the chain of custody and security of the election materials.

#### 20358. Staffing

Section 20818 is being renumbered to 20358. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20818(a) is being renumbered to 20358(a). This is a non-substantive change to create better organization for regulations relating to vote counting. Subsection 20358(a) is proposed to be amended to align with the provisions of Elections Code Section 15625.

Subsection 20818(c) is proposed to be removed because it is duplicative language. This subsection is a proposed amendment to subsection 20362(a). This subsection makes more logical sense in the results section of a recount rather than the staffing section of the recount regulations because it covers the procedures for announcing the results of the recount at the end of each day and keeping a running tally. This change is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20818(d) is being renumbered to 20358(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20359. Scheduling

Section 20819 is being renumbered to 20359. This is a non-substantive change to create better organization for regulations relating to vote counting. Section 20359 is proposed to be amended to provide further clarity on the timeline of the recount as established in Elections Code sections 15624 and 15626 and comply with currently established regulations regarding the cost of recounts. In subsection 20355(c), elections officials are required to determine the daily cost estimate, in which the requestor must pay in order for the recount to commence and proceed. These amendments are necessary to compliance and uniformity with state law.

#### 20360. Spokespersons and Observers

Section 20820 is being renumbered to 20360. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(a) is being renumbered to 20360(a) to reflect the renumbering of the sections in these regulations. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(b) is being renumbered to 20360(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(c) is being renumbered to 20360(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(d) is being renumbered to 20360(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(e) is being renumbered to 20360(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20820(f) is being renumbered to 20360(f). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20361. Media, Photography and Recording Devices

Section 20821 is being renumbered to 20361. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20821(a) is being renumbered to 20361(a). This is a non-substantive change to create a better organization for regulations relating to vote counting. Subsection 20361(a) is proposed to be amended to require the election official develop and maintain a written policy regarding media, photography, and recording devices during a recount, prior to each statewide election, whereas in the past, the written policy was required once.

#### 20362. Results of Recount

Section 20822 is being renumbered to 20362. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20362(a) is proposed to be added to this section. This subsection was originally in section 20818 (proposed renumbering in these regulations as 20358) under staffing. This subsection makes more logical sense in the results section of a recount rather than the staffing section of the recount regulations because it covers the procedures for announcing the results of the recount at the end of each day and keeping a running tally. This change is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20822(a) is being renumbered to subsection 20362(b). This is a non-substantive change to create better organization for regulations relating to vote counting. Subsection 20362(b) is proposed to be amended to include the language “or on the elections official’s website” to provide clarification that the elections officials can post the results of the recount at the public location of the recount or on the public elections official website. This additional

language is adding in more options for public engagement and transparency in the elections process.

Subsection 20822(b) is being renumbered to subsection 20362(c). This is a non-substantive change to create better organization for regulations relating to vote counting. The term “body” is being changed to “board” for the purpose of consistence; the phrase governing board is used in Elections Code.

Subsection 20362(d) is proposed to be added to provide clarification that the requestors cannot request to inspect additional relevant materials upon the completion of the recount. During the recount process, the requestor can ask to see any relevant material. This is necessary to state so that there is a clear deadline by which materials can be reviewed.

### 20363. Challenges

Section 20823 is being renumbered to 20363. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20823(a) is being renumbered to 20363(a). This is a non-substantive change to create better organization for regulations relating to vote counting. Subsections 20363(a) is proposed to be amended to remove the language “direct recording electronic” from regulations. Direct Record Electronic systems are no longer used in California, therefore removing this language from this section is necessary as it is no longer relevant or applicable in California.

Subsection 20823(a)(1) is being renumbered to 20363(a)(1) and amended to alter the term “vote by mail” in this section to “vote-by-mail” to comply with how the term is presented in elections code and the proposed regulations. These are non-substantive changes to create better organization for regulations relating to vote counting. Additionally, Subsection 20363(a)(1) is proposed to be amended to remove the language of “of disqualifying distinguishing marks or some other grounds.” This aligns with the provisions of Elections Code section 15631.

Subsection 20823(a)(2) is being renumbered to 20363(a)(2). Subsection 20363(a)(2) is proposed to be amended to alter the term “vote by mail” in this section to “vote-by-mail” to comply with how the term is presented in elections code and the proposed regulations. These are non-substantive changes to create better organization for regulations relating to vote counting.

Subsection 20823(b) is being renumbered to 20363(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20823(c) is being renumbered to 20363(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

### 20370. Recounts Using the Type of Vote Tabulating Devices Used In the Election

Section 20830 is being renumbered to 20370. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20830(a) is being renumbered to 20370(a) and is proposing the amendment of changing the text “20816” to “20356” to reflect the renumbering of the sections in these regulations. These are non-substantive changes to create better organization for regulations relating to vote counting.

Subsection 20830(b) is being renumbered to 20370(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20830(c) is being renumbered to 20370(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20830(d) is being renumbered to 20370(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

The reference section in section 20370 is being updated to reflect elections code sections that are no longer applicable to these regulations. Elections Codes 19370, 19382, 19383, and 19384 no longer exist. This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20371. Manual Recounts Generally

Section 20831 is being renumbered to 20371. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20831(a) is being renumbered to 20371(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20831(b) is being renumbered to 20371(b). This is a non-substantive change to create better organization for regulations relating to vote counting. In addition, “Uniform Vote Counting Standards” is replaced with “Chapter 4.5 of these regulations.” This is a non-substantive change as the Uniform Vote Counting Standards are wholly contained in Chapter 4.5 of these regulations. There are no other regulatory provisions within Chapter 4.5.

Subsection 20831(c) is being renumbered to 20371(c) and the term “vote by mail” is being altered in this section to “vote-by-mail” to comply with how the term is presented in elections code and the proposed regulations. These are non-substantive changes to create better organization for regulations relating to vote counting.

The reference section in section 20371 is being updated to reflect the same formatting of the elections code reference sections that is used through these regulations. Previously the codes were displayed as 15101-15110. This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20372. Manual Recounts, “Vote for One” Contests



Section 20832 is being renumbered to 20372. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(a) is being renumbered to 20372(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(b) is being renumbered to 20372(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(c) is being renumbered to 20372(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(d) is being renumbered to 20372(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(e) is being renumbered to 20372(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(f) is being renumbered to 20372(f). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20832(g) is being renumbered to 20372(g). This is a non-substantive change to create better organization for regulations relating to vote counting.

#### 20373. Manual Recounts, “Vote for Multiple” Contests

Section 20833 is being renumbered to 20373. This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(a) is being renumbered to 20373(a). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(b) is being renumbered to 20373(b). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(c) is being renumbered to 20373(c). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(d) is being renumbered to 20373(d). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(e) is being renumbered to 20373(e). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(f) is being renumbered to 20373(f). This is a non-substantive change to create better organization for regulations relating to vote counting.

Subsection 20833(g) is being renumbered to 20373(g). This is a non-substantive change to create better organization for regulations relating to vote counting.

Article 3. Recount Of Votes Cast On Direct Recording Electronic Voting Systems, sections 20840 through 20842, is proposed to be deleted. Direct Record Electronic systems are no longer used in California, therefore deleting this section is necessary as this section is no longer relevant or applicable in California.

Section 20840 is proposed to be deleted. Direct Record Electronic systems are no longer used in California, therefore deleting this section is necessary as this section is no longer relevant or applicable in California.

Section 20841 is proposed to be deleted. Direct Record Electronic systems are no longer used in California, therefore deleting this section is necessary as this section is no longer relevant or applicable in California.

Section 20842 is proposed to be deleted. Direct Record Electronic systems are no longer used in California, therefore deleting this section is necessary as this section is no longer relevant or applicable in California.